

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

CIVIL MOTION HEARING

Tyler P. Wiss, et al.,	)	COURT MINUTES - CIVIL
)	
Plaintiffs,	)	BEFORE: Leo I. Brisbois
	)	U.S. Magistrate Judge
v.)	
	)	Case No: 22-cv-2047 (JWB/LIB)
	)	Date: May 1, 2023
Proctor Independent School District	)	Court Reporter: Digital Recording
704, et al.,	)	Courthouse: Duluth
	)	Courtroom: Courtroom 3
Defendants.	)	Time Commenced: 10:29 a.m.
	)	Time Concluded: 10:59 a.m.
	)	Time in Court: 30 Minutes

APPEARANCES:

For Plaintiffs: Nathan M. Cockerham, I & Stephen J. Olson

For Defendant Derek Parendo: Mark A. Fredrickson

For Defendants Proctor Independent School District 704, John Engelking, James Vos, Anthony Wood, John Awsumb, Timothy Rohweder, Kerry Juntunen: Alex D. Ivan

For the reasons stated on the record, the Second Amended Complaint, [Docket No. 30], is stricken as filed in error for non-compliance with Local Rule 7.1 Civil Motion Practice and Fed. R. Civ. P. 15. Accordingly, Plaintiffs' Motion to Alter/Amend/Supplement Pleadings, [Docket No. 32], is denied as moot to the extent it seeks leave to amend the Second Amended Complaint. To the extent Plaintiffs' Motion to Alter/Amend/Supplement Pleadings, [Docket No. 32], seeks to amend the Pretrial Scheduling Order, it is denied without prejudice. Lastly, having stricken the Second Amended Complaint, Defendants' Motion to Strike the Second Amended Complaint, [Docket No. 40], is denied as moot.

The Court construes Plaintiffs' oral arguments at the Motions Hearing as an oral Motion to file a (proper) Second Amended Complaint. Fed. R. Civ. P. 7(b)(1)(A). For the reasons stated on the record, Plaintiffs' Motion to file a Second Amended Complaint is granted solely to add the identities of John Doe Assistant Coaches #1-5. Plaintiffs shall file within fourteen (14) days a Second Amended Complaint on CM/ECF with the only changes from the operative First Amended Complaint being the identities of the John Doe Assistant Coaches #1-5. All claims and factual allegations unrelated to John Doe Assistant Coaches #1-5 may not be changed.

Once the Second Amended Complaint is docketed, and in the event Defendants' pending Motion to Dismiss the First Amended Complaint, [Docket No. 51], is affected, Defendants should contact the chambers of the Honorable Jerry W. Blackwell to either amend the Motion to Dismiss to address any remaining issues under Fed. R. Civ. P. 12 or withdraw the Motion altogether.

No written Order to follow.

s/BNF
Law Clerk Initials